APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,562	10/13/2000	Alan T. Ruberg	P4822	9045

32291　　7590　　05/05/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP	FERRIS, DERRICK W	
710 LAKEWAY DRIVE		
SUITE 200	ART UNIT	PAPER NUMBER
SUNNYVALE, CA 94085	2663	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/687,562	RUBERG ET AL.
	Examiner	Art Unit
	Derrick W. Ferris	2663

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 March 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>7-10</u> is/are allowed.

6)☒ Claim(s) <u>1-6,11-15 and 20-22</u> is/are rejected.

7)☒ Claim(s) <u>16-19</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 October 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   **Office Action Summary**   Part of Paper No./Mail Date 20050429

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 3/7/2005 has been entered.

Response to Arguments

2.   This Office action is in response to applicant's paper filed 7/7/2005. **Claims 1-22** as

amended are still in consideration for this application. Applicant has amended claims 1, 3, 6, 7,

11, 12, 15, 18, 20, 21, and 22. Applicant has canceled no claims. Applicant has added no

claims.

3.   Examiner does **not withdraw** the anticipated rejection to *Ozkan.* The following

comments fully address applicant's arguments with respect to the rejection. Applicant argues the

concept of a network data interconnect. In particular, applicant argues that a network consists of

decoded data that can be provided to different devices, see page 7, third full paragraph of

applicant's remarks. In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

different devices are coupled to the network data interconnect) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Specifically, applicant argues that a network consists of

attaching more than one device yet applicant claims one device on the "network data

interconnect" (see e.g., claim 21 with respect to an output device – emphasis singular) thus

teaching away from applicant's definition where it is noted above that applicant's definition is

not further recited in the claims. As such, the rejection is maintained since it is unclear which

definition applicant is arguing since the examiner notes that the claims (and applicant's

specification) teach using at least one device where the applied reference also teaches using one

device. Furthermore some of the claims contain the term "network data interconnect" in the

preamble where the preamble is not read into the claim because there is no explicit relationship

between the preamble and the rest of the claim. Since applicant paid for and RCE, also note the

new rejection as well which may further clarify the examiner's position from the applicant's

perspective. Note however that the rejection was withdrawn for claims 7, 12

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

5.   **Claims 3 and 20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. As to **claim 3**, applicant clarifies that a processor is coupled between the network

and the network data interconnect where said processor converts data in various data formats into

data represented by one protocol. Examiner notes that such a processor as disclosed by applicant

is part of the bulk decoder such that as shown e.g., in figure 7 the processors 352, 354 are not

coupled between the network and the interconnect but are instead coupled to the demultiplexer

334 and the multiplexer 342 which is between the network and the interconnect. In fact, none of

applicant's figures show a processor that is coupled to both a network and a network data

interconnect that perform the functionality that is recited in the claim. In particular, **claim 20** as

amended includes *dynamically* adjusting the number of bulk decoders in accordance with system

load. Applicant provided no support for the above amendment. In addition, no support was

found in applicant's specification. In particular, applicant's specification at page 1, lines 13-21

is silent as to whether a static or dynamic configuration is used with respect to the number and

types of decoders. Examiner notes that either a static or a dynamic configuration reads on this

section such that it is not inherent. Hence applicant appears to be adding new subject matter by

clarifying that the number of decoders is dynamically selected. As such, the rejection is

maintained under the premise that it would have been obvious.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1-6, and 11** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,031,577 A to *Ozkan et al. ("Ozkan")*.

As to **claim 1**, *Ozkan* discloses a system for forming and processing program

specific information containing text data. With respect to the claims, see figure 1. In

particular, a "bulk decoder" is shown as decoder 100, an output device is shown as

display 50, and an interconnect is shown as the connection between the decoder 100 and

display 50 (examiner assumes a reasonable but broad interpretation of "interconnect").

Also note the network connects the input processor 13, demodulator 15, decoder 17,

decoder 100, and processor 60.

As to **claim 2**, see e.g., a central processor as processor 60, a demultiplexer as

demultiplexer 22, a decoder as MPEG video decoder 25, and multiplexer as MUX 40.

As to **claim 3**, see e.g., column 2, lines 49-65.

As to **claims 4-5**, see e.g., column 3, lines 10-30.

As to **claim 6**, see e.g., column 5, lines 1-34 where examiner notes a reasonable

but broad interpretation of bulk decoders.

As to **claim 11**, see similar rejection for claim 2. Note that the preamble of claim

11 is not read into the claims since there is no explicit relationship between the two.

8.   **Claims 1, 6, 15, and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,124,880 A to *Shafiee et al.* ("*Shafiee*").

As to **claim 1**, a bulk decoder is taught e.g., in figure 1 as gateway blocks 24 and

video/audio switching system 30. A network e.g., is taught as public switched telephone

network 14 and a network data interconnect is taught e.g., as LAN 22. As such, the

gateway blocks (i.e., part of the bulk decoder) decode data received from the network and

transmit the decoded data to the network data interconnect. In particular, the gateway

blocks convert the audio/video format into a common format such as NTSC, SECAM or

PAL to send to a corresponding gateway device which then converts the common format

to a different format thus teaching a decoding function. The output device coupled to the

network data interconnect is taught e.g., as LAN user 12. Also note that multiple users

can be on a LAN. In addition, the bulk decoder (i.e., part of gateway block 24b)

transmits from the decoder via the network data interconnect. In other words, note that

the decoding is being performed at the gateway as opposed to the end device thus

decoding data in various formats on a network in reference to applicant's specification at

e.g., page 3, lines 5-11.

As to **claim 6**, a plurality of bulk decoders are taught e.g., as the gateway blocks

which are located between the network and the network data interconnect.

As to **claim 15,** see similar rejection to claim 1. With respect to the bulk decoder

being capable of decoding the signal into single data type signals having single protocol

format, note that the single protocol format out of the gateway block is of the same

format and that the signal data type signals are the separate audio/video signals a shown

e.g., between the gateway blocks.

As to **claim 21,** see similar rejection to claim 1.

9.   **Claims 11, 12, 13, 14, and 22** are rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. Patent No. 6,246,490 B1 A to *Sebestyen et al.* (*"Sebestyen"*).

As to **claim 11**, see e.g., figure 3 where a central processor is shown e.g., as

H.245 system control 7. A demultiplexer coupled to the central processor is taught e.g.,

as mux/demux 8. A multiplexer coupled to the central processor is taught e.g., as

mux/demux 8. At least one decoder coupled to the demulplexer and the multiplexer is

taught e.g., as audio codec 1 or audio codec 3. Note no limitations in the preamble are

read into the claims since there is no explicit relationship between the two. However, for

the sake of argument, note a network is PSTN, a network data interconnect are the lines

from the decoders to the various video/audio input/output devices.

As to **claim 12**, note that the processor is the audio codec 1 or the video codec 3

which takes various signals received from the network having various data types into a

single protocol format signal.

As to **claim 13**, the video codec is the video processor.

As to **claim 14**, the audio codec is the audio processor.

As to **claim 22**, see similar rejection to claims 11 and 12.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,124,880 A to *Shafiee et al.* ("*Shafiee*") in view of "Real-Time Parallel MPEG-2 Decoding in

Software" to *Bilas et al.* ("*Bilas*").

In making a proper obviousness rejection under MPEP 706.02(j), the examiner

will address the following four steps:

a) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line numbers where appropriate;
b) the difference of differences in the claim(s) over the applied cited references;
c) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter; and
d) an explanation why one skilled in the art at the time of the invention was made would have been motivated to make the proposed modification.

As such to **claim 20**, for step (a) *Shafiee* discloses elements in the base claim.

For step (b) *Shafiee* is silent or deficient to the further limitation comprising adjusting the number of bulk decoders coupled to the network in accordance with system load.

Bilas teaches the further recited limitation above at e.g., in abstract.

For step (c), the proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Shafiee* by performing decoding in parallel which inherently reduces the system load.

In order to establish a prima facie case of obviousness for step (d), three basic criteria must be met. The three criteria according to MPEP 706.02(j) are as follows:

First there must be some suggestion or modification, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As such, for step (d) examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the further limitation comprising adjusting the number of bulk decoders coupled to the network in accordance with system load. In particular, the motivation for modifying the reference or to combine the reference teachings would be to reduce the system load on the network by increasing the number of

decoders in parallel. In particular, *Ozkan* cures the above-cited deficiency by providing

a motivation found at e.g., at page 199 under Section 4 and at top right-hand column at

page 201. Second, there would be a reasonable expectation of success since *Ozkan*

teaches performing decoding in parallel. Thus the references either in singular or in

combination teach the above claim limitation.

12.   **Claims 4-5** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.

6,124,880 A to *Shafiee et al.* ("*Shafiee*") in view of "Computer Dictionary" to *Microsoft*.

As to **claims 4- 5**, the LAN user comprises a desktop unit which includes a

storage device as part of the computer. *Shafiee* shows a picture of a computer (i.e., a

desktop unit) but may not explicitly disclose a desktop unit or that a desktop unit further

comprises storage.

Microsoft discloses that it is well known in the art that a computer system (i.e.,

see definition for a computer system) contains storage in e.g., the form of disk drives.

Thus the examiner proposes to modify *Shafiee* by clarifying that the transceiver

12 is a computer system and that the computer system contains storage.

Hence examiner notes that it would have been obvious to one skilled in the art

prior to applicant's invention to further includes the limitations mentioned above. In

particular, one skilled in the art would recognize that a computer can be used in video

conferencing and the picture as shown in figure 1 of *Shafiee* contains the components of a

computer thus providing a motivation for using a desktop unit and one skilled in the art

would have also been motivated to have storage on a desktop unit for at least storing

commands and the operating system.

13.   **Claims 7-10** are allowed.

14.   **Claims 16-19** are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF

7/30/05